

FOURTH DAY

(January 18, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Parkhouse
Bates	Patman
Calhoun	Ratliff
Cole	Reagan
Colson	Richter
Crump	Rogers
Dies	Snelson
Harrington	Spears
Hazlewood	Strong
Hightower	Watson
Moore	Word

Absent—Excused

Blanchard	Kazen
Creighton	Kennard
Hall	Krueger
Hardeman	Schwartz
Herring	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Kazen was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Herring was granted leave of absence for today on account of important business on motion of Senator Dies.

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Blanchard was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Krueger was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Hardeman was granted leave of absence for today on account of important business on motion of Senator Moore.

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Moore.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Dies.

Messages from the Governor

The following messages received from the Governor today were read and were referred to the Committee on Nominations:

Austin, Texas,
January 16, 1965.

To the Senate of the Fifty-Ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the State Highway Commission, for a six-year term to expire February 15, 1971: Hal O. Woodward of Coleman, Coleman County.

To be a member of the Board of Pardons and Paroles, for a six-year term to expire February 1, 1971: Jack Ross of McAllen, Hidalgo County.

To be a member of the Parks and Wildlife Commission, for a six-year term to expire February 1, 1971: Will E. Odom of Austin, Travis County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

Austin, Texas,
January 15, 1965.

To the Senate of the Fifty-Ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Branch Pilot for the Brazos-Santiago Pass, Bar and Tributaries, for a two-year term to expire January 10, 1967: Joseph A. Kelly of Brownsville, Cameron County.

To be Branch Pilots for the Sabine Bar, Pass and Tributaries, for two-year terms to expire December 4, 1966: Willard M. Carroll of Port Arthur, Jefferson County; A. M. Castle, Jr., of Port Arthur, Jefferson County; Surrey B. Ellis of Port Arthur, Jefferson County; James R. Levingston of Port Arthur, Jefferson County; Ollie E. Moore of Port Arthur, Jefferson County; L. S. Tibbetts of Port Arthur, Jefferson County; T. I. Truitt of Port Arthur, Jefferson County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 18, 1965.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 2, Providing for a Joint committee to arrange for the canvass of the votes for Governor and Lieutenant Governor and for a joint session to receive such report; and also a joint committee to arrange for the inauguration, etc.

S. C. R. No. 3, Memorializing the death of President John Fitzgerald Kennedy.

H. C. R. No. 3, Changing the inauguration date for the Governor and Lieutenant Governor of the State of Texas from 19 January 1965, to 26 January, 1965.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 2, Commending the Texas Highway Department in providing the Capitol information services.

Change in Committee to Canvass Votes for the Governor and Lieutenant Governor

The President announced the appointment of Senator Bates to replace

Senator Hardeman (who was absent today) pursuant to the provisions of S. C. R. No. 2 to canvass the votes for the Governor and the Lieutenant Governor.

Senate Bills and Joint Resolutions on First Reading

The following bills and joint resolutions were introduced, read first time and referred to the Committee indicated:

By Senators Calhoun, Strong, Parkhouse, Bates, Hightower, Ratliff, Hazlewood, Creighton and Reagan:

S. B. No. 2, A bill to be entitled "An Act conferring on the Railroad Commission of Texas authority to provide for the pooling of mineral interests into proration units for an oil or gas well under certain conditions; providing for the allocation of production therefrom and for appeals from such pooling orders."

To the Committee on Oil and Gas.

By Senator Crump:

S. B. No. 3, A bill to be entitled "An Act amending section 3(c) Acts, 2nd Called Session 41st Legislature, Chapter 42, as heretofore amended, (now codified as subsection (c) of Section 3 of Art. 827a Vernon's Penal Code) relative to the length of vehicles, motor vehicles and combinations thereof; repealing Section 7(a) Acts 2nd Called Session 41st Legislature, Chapter 42, as amended, (now codified as section 7(a) of Article 827a Vernon's Penal Code); providing an effective date; and declaring an emergency."

To the Committee on Transportation.

By Senators Aikin, Word, Hardeman, Bates, Crump, Rogers, Watson, Ratliff, Reagan, Patman, Calhoun, Cole, Creighton, Dies, Hazlewood, Herring, Kennard, Krueger, Moore, Parkhouse, Richter, Spears, Strong, Hall and Harrington:

S. B. No. 4, A bill to be entitled "An Act to provide a Forty-five Dollar (\$45) per month increase in the base salary of each professional position listed and scheduled in the Foundation School Program Act, Section 2, of Article II, S. B. 116, Chapter 334, 51st Legislature, Regular Ses-

sion, 1949, and Section 1 of Article IV, S. B. 116, supra, as amended; providing an effective date; providing for an additional increase in the local fund assignment for school year 1965-66, the percentage and method to determine thereafter, annually, such charge also complying with Section 2 of Article VI, S. B. 116 supra, as amended in 1961 (Art. 2922-16, Sec. 2, V.C.S.); providing a severability clause; and declaring an emergency."

To the Committee on Education.

By Senator Dies for Senator Herring:

S. B. No. 5, A bill to be entitled "An Act amending Section 2, Acts 1931, Forty-second Legislature, page 269, Chapter 163, as amended by Section 1, Acts 1947, Fiftieth Legislature, page 283, Chapter 173, as further amended by Section 1, Acts 1949, Fifty-first Legislature, page 1064, Chapter 549, and as further amended by Section 1, Acts 1949, Fifty-first Legislature, page 1098, Chapter 560, providing a clarification of procedures and methods for the issuance of time warrants by cities and counties; validating, ratifying, confirming and approving contracts, scrip warrants and time warrants and refunding bonds authorized by counties or cities (including Home-Rule cities) or towns since the approval by the Governor of Texas of Chapter 384, Acts of the Fifty-eighth Legislature, Regular Session, 1963; validating, ratifying, confirming and approving refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental acts, orders, ordinances, resolutions and other instruments relating to the issuance of refunding bonds for such purposes of counties, cities (including Home-Rule cities) and towns; providing that this Act shall not apply to any contract, scrip warrants, time warrant or to any refunding bond proceedings, governmental acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred and fifty thousand (350,000), according to the last preceding Federal Census, or any contract, scrip warrant, time warrants or any refunding bond proceedings, governmental acts, orders, ordinances, resolutions or other instruments, or bonds, the va-

lidity of which is now involved in litigation; providing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 6, A bill to be entitled "An Act repealing Acts 1963, 58th Legislature, Page 953, Chapter 378, Section 1, designated as Article 2752a, Revised Civil Statutes of Texas."

To the Committee on Education.

By Senators Word and Dies:

S. B. No. 7, A bill to be entitled "An Act reapportioning the Senate of the State of Texas; providing for filing fees for senators; amending Section 4, Chapter 256, Acts of the 57th Legislature, Regular Session, 1961, and Article 193, Texas Election Code, as amended; repealing Section 5, Chapter 256, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Bates:

S. B. No. 8, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Second Called Session, Forty-Fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, by adding to the definition of the term "open saloon" in Section 3 of Article I (Article 666-3), by adding to Section 15 of Article I (Article 666-15) provision and requirements for a Restaurateur's Permit; by amending Section 17(15) of Article I to make it unlawful to import, sell, offer for sale, barter, exchange, or possess for the purpose of sale any liquor the containers of which contains less than one-tenth (1/10) pint; providing that the provisions of this Act shall be cumulative of all other provisions of the Texas Liquor Control Act and shall not be interpreted as repealing any existing right in the Texas Liquor Control Board or any right heretofore authorized to any permit or license holder; providing that in the event of conflict with the provisions of any other law, the provisions hereof shall take precedent and prevail to the extent of such conflict; providing

a saving clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore:

S. B. No. 9, A bill to be entitled "An Act relating to the control, management and disposition of the separate and community property of married persons and the liability of such property for debts and claims, and to the capacity of married women to make contracts, to sue and be sued and to enter into other business or legal relationships; amending Article 4614 of the Revised Civil Statutes of Texas, 1925, relating to the separate property of the wife; amending and rearranging Articles 4619, 4620, 4621, 4623, and 4624 of the Revised Civil Statutes, relating to the control, management and disposition of community property and to liability of community and separate property for debts and claims; amending Article 4625 of the Revised Civil Statutes, so as to abrogate the present law on emancipation of females under twenty-one years of age by marriage and to abolish disabilities of coverture of married women; adding an article, designated as Article 4625a of the Revised Civil Statutes, relating to a spouse acting as agent for the other spouse; amending Article 5535 of the Revised Civil Statutes, so as to abolish coverture of a married woman as a ground for tolling periods of limitation for legal actions; repealing Articles 1299, 1983, 1984, 1985, 4615, 4616, and 4626 of the Revised Civil Statutes, and repealing all other laws to the extent of conflict with this Act; providing against retroactive application of this Act; fixing its effective date; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore for Senator Kennard:

S. B. No. 10, A bill to be entitled "An Act authorizing the creation of the North Central Texas Airport Authority in Tarrant County, Texas; providing for an election on the questions of the creation of such airport authority and the levy of a tax not to exceed seventy-five cents (75¢) for its maintenance, support and the payment of bonds issued by it; providing for annexation of any municipal corporation or county adjoining the boundaries of such airport authority;

providing for a board of directors and for the election at large of the successors of the initial appointees thereto; providing for the assumption of the outstanding bonded indebtedness with respect to airports of municipal corporations within the airport authority or those thereafter annexed; authorizing the issuance of bonds for airport purposes and the levy of a tax for the payment thereof; providing that no bonds shall be issued by the airport authority (except refunding bonds and revenue bonds) until authorized by a majority vote of the legally qualified property taxpaying voters residing in the airport authority; authorizing the assessment and collection of taxes of the airport authority by its assessor and collector; providing for a tax attorney; providing for the administering of oaths and the use of a seal; enacting other provisions incident and germane to the subject and purpose of this Act, providing a severance clause; and declaring an emergency."

To the Committee on State Affairs.

By Senators Patman, Kennard, Strong, Dies, Richter, Reagan, Watson, Harrington, Rogers, Schwartz, Hightower, Hall, Bates, Wood, Snelson, Cole and Spears:

S. B. No. 11, A bill to be entitled "An Act creating the Commission on Organization of the Executive Branch of the Government and providing for its powers, duties and procedures; and declaring an emergency."

To the Committee on State Affairs.

By Senators Richter and Ratliff:

S. B. No. 12, A bill to be entitled: "An Act creating a Texas State Committee on Aging to be known as the "Governor's Committee on Aging"; providing for the appointment of the Committee, a Governor's Citizens Council on Aging, a Coordinator of Aging, and such other appropriate staff as is deemed necessary, and defining their term of office, powers, duties, functions, responsibility, and relationships with other agencies and officers of the State; authorizing the Committee to accept and expend funds made available through any Federal and/or State grant or appropriation for the purposes of carrying out the purposes of this Act; authorizing the Committee to accept gifts and/or grants from private sources and to expend same in the interest of furthering the purposes set out in this

Act; providing a repealing clause, a saving clause, and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 13, A bill to be entitled "An Act amending Article 7150, Vernon's Revised Civil Statutes, 1925, by adding a new section thereto to be known and designated as Section 22, so as to exempt from taxation property of the Grand Lodge of Texas, Ancient Free and Accepted Masons, together with property of its subordinate Lodges and appendant Orders, for so long as the property so exempted is owned by and exclusively used by said Grand Lodge of Texas or its subordinate lodges and appendant Orders, and not in whole or in part leased out to others or otherwise used with a view to profit; providing for the severability of provisions; and declaring an emergency."

To the Committee on State Affairs.

By Senator Moore:

S. B. No. 14, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey certain state-owned land, and use proceeds from the conveyance to purchase other land to be used for correction purposes; making an appropriation; and declaring an emergency."

To the Committee on State Affairs.

By Senator Dies for Senator Herring:

S. B. No. 15, A bill to be entitled "An Act relating to arbitrations pursuant to written agreements concluded upon the advice of counsel to both parties, expressly excluding all arbitrations relating to any labor union contract, all affecting controversies between any employer and any employee of the employer or their respective representatives and all relating to any contract of insurance and to any construction contract; being an Act which repeals Articles 224 through 238 of the Revised Civil Statutes of Texas of 1925, which deal with "Arbitration in General" subject to a savings clause; and providing that the effective date of the repeal shall be January 1, 1966; and enacting a new statute to be known as the "Texas Arbitration Act" replacing said repealed Articles, the new statute to become effective January 1, 1966, and to provide: that written agree-

ments concluded upon the advice of counsel to both parties to arbitrate all controversies shall be valid except those relating to labor union contracts and controversies between any employer and any employee or their respective representatives (this Act not applying to any labor union contracts or any agreements for arbitration between any employer and any employee of that employer or their respective representatives or any controversy thereunder), to contracts of insurance and to construction contracts; providing for proceedings to compel or stay arbitrations; defining in what circumstances any arbitrator may be named by a court; providing for majority action by arbitrators; providing for hearings before arbitrators and notices thereof; providing for the representation of parties by attorneys; providing for the testimony of witnesses at hearings before arbitrators and for subpoenas and depositions; providing for awards by arbitrators; providing for changes of awards by arbitrators; providing for fees and expenses of arbitration as awarded by arbitrators; defining the term "court" as used in this Act; defining courts with jurisdiction in arbitration proceedings; providing for applications to courts and the effect of filing the initial application; providing as to the venue of court proceedings on applications to courts and as to stay of proceedings in another court pursuant to a later application; providing as to what a court may require that an application contain; providing as to where applications to courts may be filed in advance of or pending or at the end of or after the conclusion of arbitration proceedings; providing for acquisition of jurisdiction over adverse parties by service of process or in rem by ancillary proceedings; providing for court relief in aid of pending or prospective arbitration proceedings or the enforcement of court orders or decrees or satisfaction of court judgments thereon; providing for court hearings on applications; providing for the confirmation of an award, the vacating of an award, and the modification or correction of an award and defining grounds upon which a court may vacate, modify or correct an award; providing for a judgment or decree upon an award and as to the enforcement thereof; providing for appeals from orders, judgments or decrees of

the court and defining what may be appealed from; providing that the Act shall apply only to agreements made subsequent to the effective date of the Act; providing for uniformity of interpretation of provisions of the Act; providing for severability; providing the title of the Act and the effect of the captions of each article and section and defining the term "this Act" as used in the Act."

To the Committee on Labor and Management Relations.

By Senator Harrington:

S. B. No. 16, A bill to be entitled "An Act amending Acts of 1962, 57th Legislature of the State of Texas, Third called session, Chapter 34 (Vernon's Article 8097) by authorizing the district to issue its bonds in the denomination of \$100.00 and any multiple thereof; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Crump:

S. B. No. 17, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts; naming the Counties and parts thereof composing the same; providing for the election of a Member of the Congress of the United States from each district; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Moore:

S. B. No. 18, A bill to be entitled "An Act amending Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (codified as Article 200a, V.T.C.S.), by amending Section 2 thereof so as to provide for the appointment of retired judges as presiding judges of the administrative judicial districts as well as regular judges, in the discretion of the Governor; and so as to provide quarters for the operation of the district and preservation of the records thereof and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 19, A bill to be entitled "An Act relating to state credit unions, loans and investments thereof, directors and officers thereof, dividends thereof, annual reports and

joint accounts; amending Articles 2462, 2465, 2469, 2477, 2482, and enacting Article 2484d, Revised Civil Statutes of Texas, 1925; so as to change the word, "direction" of the Board of Directors to "discretion" pertaining to investments, to permit investments in building and loan associations, savings and loan associations, and other state and federal credit unions elsewhere in the United States of America, as well as in Texas; to permit terms of not to exceed three years for members of the Board of Directors, members of the supervisory committee of the credit unions; to permit semi-annual dividends as well as annual dividends; to extend the maximum time for repayment of real estate loans from 180 months to 240 months; to allow extension of time for paying annual supervision fee, and to require requests for extension of time for filing such annual fee or the annual report to be filed with the Commissioner on or before the expiration of the standard time for filing same; to provide that state and federal credit unions shall not be required to recognize certain claims or to withhold payment of deposits unless served with process and they may pay shares, share accounts, or deposits to either of two or more joint shareholders or depositors, and that the survivor may have power to act in all matters relating to such shares, and withdrawal value may be paid to any such persons, and a receipt shall be sufficient release for such payment or delivery; repealing conflicting laws, providing savings clauses, and declaring an emergency."

To the Committee on Banking.

By Senator Dies for Senator Herring:

S. B. No. 20, A bill to be entitled "An Act restricting the effect of adjudications in lower trial courts on proceedings in higher courts; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Bates:

S. B. No. 21, A bill to be entitled "An Act amending H. B. 558, Acts of 55th Legislature, Regular Session 1957, Chapter 458, page 1347, by amending Section 1 to provide that construction of a new reservoir on that portion of a stream over which a water master has heretofore been, or may hereafter be, appointed shall

not void such appointment nor restrict the authority of such water master to act both upstream and downstream from such new reservoir and by adding ten new sections thereto to be known as Sections 9-18, inclusive, providing for the retention by the Trial Court to allocate and distribute water in its judicial custody during appeal and until entry of final judgment; manner in which allocation will be made and enforced; continuation of water master during appeal and until final judgment; prescribing the power, duties and authority of the water master; prescribing the jurisdiction, power and authority of the Court in such case; providing for the employment of necessary deputies and assistants; providing their duties, power and authority; providing for the compensation of the water master and the compensation of the deputies and assistants and other employees provided for in the act; providing for the assessment of costs and expenses of the water master and his office; providing for the payment of such cost and making other provisions relating thereto; providing a severability clause; providing this Act be cumulative and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Moore:

S. B. No. 22, A bill to be entitled "An Act to amend Sections 140, 141, and 142, of Article XV of Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended by Chapter 290, Acts of the 53rd Legislature, Regular Session, 1953, relating to the inspection of motor vehicles by amending Subsections (a), (b), and (d) of Section 140 to provide for the inspection of steering mechanism, tires, wheels, exhaust system and windshields and to provide for the movement of certain uninspected vehicles; amending Subsections (a), (b), (c), (d), (e) and adding new subsection (f) of Section 141 to provide for regulation of persons inspecting vehicles at State-appointed inspection stations under rules and regulations promulgated by the Department, authorizing removal for cause and providing for appeals; increasing the station fee to Ten Dollars (\$10.00), and increasing the inspection fee to Two Dollars (\$2.00) and requiring an advance payment for each inspection certificate of Fifty Cents (50¢); removing obsolete language relative

to Highway Patrolmen; providing for refusal to reissue a license to an inspection station and refusal to reissue the authority for a person to inspect vehicles; clarifying reinspection procedure after rejection and after accident involvement; making it a misdemeanor to display, cause or permit to be displayed, any certificate which is fictitious, issued for another vehicle or issued without the required inspection being made or to transfer an inspection certificate from one windshield to another windshield; amending Section 142 to clarify the authority of the Department to establish uniform standards of inspection; changing to the left-hand corner the place designated for display of a certificate of inspection; clarifying the expiration date of an inspection certificate; providing for severability and declaring an emergency."

To the Committee on Transportation.

By Senator Parkhouse:

S. B. No. 23, A bill to be entitled "An Act to create a municipal court in and for the City of Dallas, Dallas County, Texas; prescribing the jurisdiction of said court; providing for adoption of same; prescribing the powers of said court; prescribing the practice therein and the appeals therefrom; providing for the appointment of a judge of said court; providing for the appointment of an alternate judge; providing for the removal of the judge; providing for the hiring of personnel and the reporting and recording of the proceedings of said court; providing for a seal of said court; providing for the selection of a jury and the right of trial by jury; providing for the conforming of the criminal jurisdiction of other county courts thereto; providing a repealing clause, severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Richter:

S. B. No. 24, A bill to be entitled "An Act changing the name of soil conservation districts and of the State Soil Conservation Board; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Aikin for Senator Kazen:

S. B. No. 25, A bill to be entitled

"An Act to apportion the State of Texas into congressional districts, naming the counties and parts of counties composing the districts, providing for the election of a Member of the Congress of the United States from each district; repealing Chapter 286, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Parkhouse:

S. B. No. 26, A bill to be entitled "An Act authorizing cities of 600,000 or more population according to the last preceding or any future federal census, to create a metropolitan transit authority, which shall have the power and authority to acquire, own, establish and operate transit facilities; providing a short title for the act; defining certain terms; prescribing the manner of creation of such authority; defining the powers and duties of such authority and providing for the exercise of such powers; providing that such authority shall have no power of taxation but exempting its property from taxation; providing for a savings clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Moore for Senator Kennard:

S. J. R. No. 1, Proposing an amendment to Article IX of the Constitution of Texas by adding thereto a new section to be known as Section 12; authorizing the Legislature to provide by law for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, or all or any part of one or more counties; providing for the necessary election; and authorizing the levy of a tax not to exceed seventy-five cents (75¢) per one hundred dollars (\$100.00) valuation."

To the Committee on Constitutional Amendments.

By Senators Dies, Hightower and Strong:

S. J. R. No. 2, Proposing an amendment to Section 17, Article IV, Constitution of the State of Texas, to authorize the legislature to set the compensation of the lieutenant governor.

To the Committee on Constitutional Amendments.

By Senator Harrington:

S. J. R. No. 3, Proposing an Amendment to the Constitution of the State of Texas to provide for an exemption of Three Thousand Dollars (\$3,000) of the value of residence homesteads of all persons sixty-five years of age or older from all ad valorem taxes levied by any county, city, town, school district or other political subdivision or instrumentality of the State.

To the Committee on Constitutional Amendments.

By Senator Harrington:

S. J. R. No. 4, Proposing an Amendment to the Constitution of the State of Texas so as to authorize the Texas Legislature to provide a system of Retirement, Disability and Death benefits for the officials and employees of the various counties, or other political subdivisions of the State or the political subdivisions of any county; providing that this Amendment shall not repeal or amend Subsection (b) of Section 62 of Article XVI of the Texas Constitution.

To the Committee on Constitutional Amendments.

By Senator Dies for Senator Harrington:

S. J. R. No. 5, Proposing an amendment to Article VI, Constitution of the State of Texas, relating to residence requirements for voters in state and national elections.

To the Committee on Constitutional Amendments.

By Senator Moore:

S. J. R. No. 6, Proposing an amendment to Article I of the Constitution of Texas by adding thereto a new Section to be known as Section 3a, providing that equality under the law shall not be denied or abridged because of sex; providing that the amendment is self-operative; and providing for the calling of an election and the publication and issuance of the proclamation therefor.

To the Committee on Constitutional Amendments.

Co-Author of Senate Bill 4

On motion of Senator Aikin and by unanimous consent Senator Harrington will be shown as co-author of S. B. No. 4.

At Ease

On motion of Senator Aikin and by unanimous consent the Senate at 11:00 o'clock a.m. agreed to stand At Ease until the conclusion of the Joint Session.

Joint Session

(To Count Votes for Governor and Lieutenant Governor)

The President announced that the hour for the Joint Session of the two Houses to count the votes for Governor and Lieutenant Governor pursuant to the provisions of S. C. R. No. 2 had arrived.

Accordingly, the Senators present repaired to the Hall of the House of Representatives at 11:00 o'clock a.m.

The Senators were announced at the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

The President by invitation of the Speaker of the House, occupied a seat on the Speaker's stand.

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House announced the purpose of the Joint Session.

A quorum of the House was announced present.

The Speaker of the House (The Honorable Ben Barnes of De Leon) then requested the committee appointed pursuant to the provisions of S. C. R. No. 2 to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the General Election, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Moore, Hall, Blanchard, Bates, and Watson, on the part of the Senate, and Representatives Green, Cahoon, Jones of Taylor, Johnson of Harris and Wright, on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

At Ease

At 11:13 o'clock a.m. the Speaker announced that the Joint Session

would stand At Ease pending the counting of the votes.

(Senator Reagan in the Chair.)

(Senator Moore in the Chair.)

In Legislative Session

The Speaker of the House called the Joint Session to order as In Legislative Session at 12:31 o'clock p.m.

When the count was completed, the tellers presented the following report, which was read to the Joint Session:

Austin, Texas,
January 18, 1965.

Honorable William T. Moore, Presiding Officer of the Senate

Honorable Ben Barnes, Speaker of the House of Representatives

Sirs: We, the Joint Committee of Tellers appointed by the presiding officers of the Senate and House of Representatives to canvass the votes cast at the last general election held in the State of Texas on November 3, 1964, for Governor and Lieutenant Governor of the State of Texas as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

There were votes cast for Governor as follows:

John Connally, Democratic Party, 1,877,793.

Jack Crichton, Republican Party, 661,675.

John C. Williams, Constitutional Party, 5,257.

Others, 28.

There were votes cast for Lieutenant Governor as follows:

Preston Smith, Democratic Party, 1,827,806.

Horace Houston, Republican Party, 652,170.

Joseph M. Rummler, Constitutional Party, 4,814.

Others, 10.

Note: Three counties, Concho, Martin and Wilbarger, did not report on Lieutenant Governor.

Respectfully submitted,

MOORE

BATES

WATSON

For the Senate

GREEN
CAHOON
JONES of Taylor
JOHNSON
of Harris
WRIGHT

For the House of Representatives

Whereupon the Speaker of the House made the following announcement:

Honorable John Connally, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Honorable Preston Smith, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years.

The Presiding Officer (Senator Moore in the Chair) announced at the conclusion of the Joint Session that the purpose of the Joint Session having been completed the Members of the Senate would retire to the Senate Chamber.

In Legislative Session

The Presiding Officer (Senator Moore in the Chair) called the Senate to Order as In Legislative Session at 12:35 o'clock p.m.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
January 18, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 4, Instructing the State Board of Control to close all entrances to the Capitol grounds to motor vehicles on 26 Jan. 65, except those vehicles approved by the Inaugural Committee.

H. C. R. No. 5, Providing for the closing of all state offices from 11:00 a.m. on 26 Jan. 65, so that all state officials and employees may witness the Inaugural Ceremony.

H. C. R. No. 6, Inviting the Honorable John Connally, Governor of the State of Texas, to address the Regular Session of the Fifty-ninth Legislature in Joint Session at 11:00 a.m., 27 Jan. 65.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(President in the Chair)

Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Parkhouse:

S. B. No. 27, A bill to be entitled "An Act amending Article 353b of the Penal Code of the State of Texas, 1925, as amended; making it unlawful for any person accused or convicted of a felony and confined in prison to escape therefrom, or from the lawful custody of an officer, or any other person authorized by law to have such prisoner in his custody; defining terms, prescribing a penalty for violation thereof; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 28, A bill to be entitled "An Act making it unlawful for any person accused or convicted of a misdemeanor and confined in jail to escape therefrom, or the lawful custody of an officer or any other person authorized by law to have such person in his custody; defining terms; prescribing a penalty for violation thereof; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 29, A bill to be entitled "An Act to provide for the sale and issuance of a patent on certain lands in Hopkins County with a reservation of all minerals along with the leasing rights to the State; and containing an emergency clause."

To the Committee on State Affairs.

By Senator Crump for Senator Har-
deman:

S. B. No. 30, A bill to be entitled "An Act authorizing the transfer of

properties of county junior college districts after a State-supported senior college has been created within said districts, to such senior college; providing that such junior college districts shall not further maintain a junior college; authorizing the levy of taxes annually to pay off outstanding indebtedness of the junior college districts and to pay necessary administrative costs; authorizing the issuance of tax-supported bonds for the purpose of paying off revenue bonds of such districts; authorizing temporary loans for paying off current operating expenses; validating all proceedings of the Board of Trustees of such districts; repealing all laws or parts of laws in conflict; containing a severability clause; and declaring an emergency."

To the Committee on Education.

By Senators Hardeman, Crump, Creighton, Rogers, Ratliff, Dies, Reagan and Blanchard:

S. B. No. 31, A bill to be entitled "An Act relating to the sale at retail of imported fresh meats; requiring that signs be posted and labels be used to give notice that imported meats are sold; providing a penalty for violations of this Act; providing for severability; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Crump for Senators Hardeman and Hightower:

S. B. No. 32, A bill to be entitled "An Act amending Section 3 of House Bill 575, Chapter 87, Acts of the Forty-third Legislature, Regular Session, 1933, so as to clarify the salute to the Texas Flag; and declaring an emergency."

To the Committee on State Affairs.

By Senator Richter:

S. B. No. 33, A bill to be entitled "An Act relating to travel and per diem allowances for members of the State Soil Conservation Board, district supervisors, and delegates and alternates to the State District Conservation Conventions; changing the time supervisors are elected; deleting obsolete provisions relating to delegates to the State District Conservation Conventions; amending Subsections C and D, Section 4; and Section 6, Chapter 3, page 7, General Laws, Acts of the 46th Legislature, Regular

Session, 1939, as amended, and Chapter 332, Acts of the 53rd Legislature, Regular Session, 1953, as amended; repealing Subdivision (5), Section 3, and Subsection B, Section 4, Chapter 3, page 7, General Laws, Acts of the 46th Legislature, Regular Session, 1939, as amended; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Cole:

S. B. No. 34, A bill to be entitled "An Act relating to requiring the State Commission for the Blind to keep certain records relating to the visually handicapped; amending Section 2, Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931; and declaring an emergency."

To the Committee on State Affairs.

By Senator Cole:

S. B. No. 35, A bill to be entitled "An Act authorizing the State Board of Education to supply equipment and tangible apparatus to blind scholastics; amending Chapter 315, Acts of the 55th Legislature, Regular Session, 1957, as amended; and declaring an emergency."

To the Committee on State Affairs.

By Senator Cole:

S. B. No. 36, A bill to be entitled "An Act appropriating money for the improvement, expansion and operation of the State Commission for the Blind for the two-year period beginning September 1, 1965, and ending August 31, 1967; and declaring an emergency."

To the Committee on Finance.

By Senator Cole:

S. B. No. 37, A bill to be entitled "An Act relating to the qualifications of the superintendent of the Texas school for the Blind; amending Section 1, Chapter 493, Acts of the 51st Legislature, Regular Session, 1949; and declaring an emergency."

To the Committee on State Affairs.

By Senator Cole:

S. B. No. 38, A bill to be entitled "An Act establishing a medical assistance program for recipients of Aid to the Blind grants; and declaring an emergency."

To the Committee on State Affairs.

By Senator Cole:

S. B. No. 39, A bill to be entitled "An Act raising the age limit for the education program for totally deaf and blind or totally blind and non-speaking children; amending Section 2, Chapter 389, Acts of the 56th Legislature, Regular Session, 1959; and declaring an emergency."

To the Committee on Education.

By Senator Cole:

S. B. No. 40, A bill to be entitled "An Act relating to the operation of vending stands and vending machines on state property by blind persons; repealing Chapter 47, Acts of the 50th Legislature, 1947, as amended; and declaring an emergency."

To the Committee on State Affairs.

By Senator Moore:

S. B. No. 41, A bill to be entitled "An Act amending Sec. 4a of Article 286a of the Penal Code of the State of Texas providing that when a purchase under such Article is an emergency purchase and such is certified in writing by affidavit, by the purchaser, the Article shall not apply; defining emergency purchase; providing that the officer administering such oath shall not be an agent, servant or employee of seller and that seller shall not pay fee or commission to such officer, and that seller shall retain affidavits for four years; declaring an emergency."

To the Committee on Jurisprudence.

By Senator Cole:

S. J. R. No. 7, Proposing an amendment to the Constitution of the State of Texas providing for the exemption from local ad valorem taxes of the property of certain charitable organizations, provided such organizations meet certain conditions and requirements and expend at least one and one-half million dollars (\$1,500,000) annually on free medical and hospital care for the indigent within the State of Texas; providing for the necessary election, form of ballot, proclamation and publications.

To the Committee on Constitutional Amendments.

By Senator Harrington:

S. J. R. No. 8, Proposing an Amendment to Sub-section (b) of Section 62 of Article XVI of the Constitution of the State of Texas, authorizing each county or other political sub-

divisions of the State, or the political subdivisions of any county to provide a Retirement, Disability and Death Compensation Fund for all officers and employees.

To the Committee on Constitutional Amendments.

Senate Concurrent Resolution 4

Senator Hightower offered the following resolution:

S. C. R. No. 4, Extending congratulations to Archer City High School Football Team.

Whereas, The Archer City High School football team, the Wildcats, won the 1964 State Class A football championship; and

Whereas, The team was guided brilliantly by Head Coach Grady Graves; and

Whereas, the following team members, which includes many individual stars, and their managers, are:

David Wright, Donald Dorris, Jim Harney, Jimmy Boone, Mickey Horany, Mike Stewart, Bob Gaines, Mike Atchley, Danny Hall, John O'Donohoe, Buddy Knox, Billy Pitts, Barry Morrison, Larry Graham, Barney Oliver, Billy Holder, Gary Tepfer, Andy Rodgers, Robert Tepfer, Steve Parsley, Butch Hannah, Ray Bussey, Jimmy Reeves, Charlie Goforth, and Gary Johnston; and

Whereas, The Wildcats were rated ninth in the Playoffs and entered the contest for the crown as 13-point underdogs, the team, quoting The Archer County News, finished as the "Top Cats"; and

Whereas, This team effort is an example for all Texans of high ideals and principles of sportsmanship and accomplishment; now therefore, be it

Resolved By the Senate of Texas, the House of Representatives concurring, that the Legislature extend its heartiest congratulations to the Archer City High School football team, its coach, managers, and supporting student body and faculty for winning the State Crown and best wishes for successful seasons throughout the future, and be it further

Resolved, That official copies of this Resolution be forwarded to the coach, managers, and members of the football team.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the resolu-

tion was considered immediately and was adopted.

House Concurrent Resolution 3 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 3, Changing the inauguration date for the Governor and Lieutenant Governor of the State of Texas from 19 January 1965, to 26 January, 1965.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

Recess

On motion of Senator Aikin the Senate at 12:47 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

FOURTH DAY

(Continued)

(Tuesday, January 19, 1965)

After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

Senate Resolution 14

Senator Crump offered the following resolution:

Whereas, January 19, 1807 was the birthday of an individual who was destined to become one of the greatest Americans of all times; and

Whereas, this date is set apart in recognition of the noble life and character of General Robert E. Lee; and

Whereas, General Lee rendered military service in Texas prior to the outbreak of the War Between the States, after which he became the outstanding military leader of the Confederate forces in that War; and

Whereas, it is deemed appropriate to honor his memory; now, therefore, be it

Resolved, that when the Senate of Texas adjourns today, it do so in memory and in honor of General Robert E. Lee.

CRUMP

Signed—Preston Smith, Lieutenant-Governor; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Hightower:

S. B. No. 42, A bill to be entitled "An Act amending Chapter 320, Acts of the 55th Legislature, Regular Session, 1957, relating to the liability of parents of minors under the age of eighteen and over the age of 10 who maliciously and wilfully damage or destroy certain property; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Ratliff:

S. B. No. 43, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 39th Judicial District of Texas; fixing a maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowance for travel and hotel expense, providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Ratliff:

S. B. No. 44, A bill to be entitled "An Act amending Sec. 2, Art. 7057c, Revised Civil Statutes of Texas (Acts 1934, 43rd Legislature, 3rd Called Session, Page 8, Chapter 6), relating to oleomargarine; and declaring an emergency."

To the Committee on Agriculture and Livestock.